

Amendment Under 37 C.F.R. § 1.111
USSN 09/865,666
Attorney Docket Q64700

REMARKS

In the last Office Action claims 1-9 inclusive were withdrawn from further consideration as being directed to a non-elected invention.

Claims 10-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Richter 6,308,830 B1.

Claims 1-19 inclusive have been canceled without prejudice in order to advance the prosecution of the present application and new claims 20-26 inclusive have been substituted therefore. Reconsideration and allowance of the application are respectfully requested in view of the following remarks.

New independent claim 20 is specific to a thermoformed sound deadening panel for a motor vehicle. The panel is comprised of thermoformable plastics material having at least one region of different thickness comprised of at least one projection protruding from at least one face of the panel wherein the region of greater thickness is formed by a foamed cellular material having a lower density than the density of the material in regions of lesser thickness.

It is not seen how the teachings of the Richter patent have any bearing whatsoever on the claimed invention. The three layer wall structure disclosed in Richter has a uniform wall thickness in the finished product as shown in figures 10d and 10e. Thus there cannot possibly be any teaching or suggestion of providing a thermoformed sound deadening panel having separate regions of different thickness consisting of projections protruding from at least one face of the panel since there are no projections protruding from either face of the panel. The mere fact that Richter provides an intermediate layer 13 of plastic foam having different densities in different areas has absolutely no bearing on the present invention. According to the present invention the

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regions of greater thickness are formed with a foam cellular material having a lower density than the density of the material in regions of lesser thickness.

In the last Office Action the Examiner questioned what extra structure is implied by claiming a wheel arch panel. Wheel arch panels are well known in the automobile industry as those panels which fit into the wheel well of an automobile to surround the tire in spaced relation thereto. An example of such a wheel arch panel is shown in U.S. Patent 6,086,104, a copy of which is enclosed herewith. While the term wheel arch panel is more common in Europe it is the same thing as a wheel housing liner in the United States as evidenced by U.S. 4,735,427, a copy of which is also enclosed herewith. The basic distinction provided by such a term is the fact that the panel is curved whereas the panel as set forth in independent claim 20 is broad enough to read on a flat panel such as shown on figures 1 and 2 of the present application or a curved panel as shown in figures 3 and 4 of the present application. Thus dependent claims 24-26 are specific to a wheel arch panel which is well known in the art as being curved as opposed to Planar.

In view of the foregoing amendments and arguments it is submitted that new claims 20-26 inclusive are clearly not anticipated by or obvious in view of the teachings of Richter. Therefore it is respectfully requested that claims 20-26 be allowed and the application passed to issue forthwith.

If for any reason the Examiner is unable to allow the application on the next Office Action and feels that an interview would be helpful to resolve any remaining issue, the Examiner is respectfully requested to contact the undersigned attorney for the purpose of arranging such an interview.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Robert V. Sloan
Registration No. 22,775

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE



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